

REMARKS

By the above actions, claims 9, 12, 13 and 15-18 have been amended and claims 11 and 14 have been cancelled. Additionally, new claims 19-21 have been added. In view of the above amendments and the following remarks, reconsideration of this application is requested.

Claims 17 and 18 were objected to and claims 10, 16, and 18 rejected under 35 USC § 112, second paragraph. All of the deficiencies noted by the Examiner have been corrected including changing of the term “brickwork” to -masonry wall- so as to encompass more than only bricks, such as the blocks and plates of claim 10. Therefore this objection and rejection should be withdrawn and such action is now requested.

Claims 9-14, 17 and 18 have been rejected under 35 USC § 102 as being anticipated by the Saalfeld German reference while claim 15 was found to be unpatentable over this reference. Furthermore, claims 9 and 16 were also rejected under 35 USC § 102 as being anticipated the Glassgroup British reference. To the extent that these rejections relate to the claims as now presented, they are inappropriate for the following reasons.

As pointed out in the paragraph spanning pages 10 and 11 of the specification as filed (paragraph [0048] of the application as published):

An insulating layer corresponding to the insulating layer 4 of the known embodiments according to FIGS. 3, 4, 6 and 7 **is omitted**. Between the exterior side of the rear brickwork 5 and the interior side of the front brickwork 2 there are **air chambers 9 having no inlet or outlet apertures**. In the shown embodiment the air chambers 9 have a thickness of approximately 30 mm and are separated from each other by vertical bars 10 which bridge the space between the front brickwork 2 and the rear brickwork 5, in order to suppress circulation of air. Within the air chambers 9 an air layer forms that in general is not moving. **This stationary air layer acts as a very good insulating layer and it replaces the insulating materials used so far in this region.**

Claim 9 has been amended to include the stationary air layer aspect of which was previously presented in claim 14 and the fact that the space between the walls does not contain insulating materials. Additionally, claim 12 has been amended to make it clear that it is not a product-by-process claim, but rather recites a structural characteristic; a layer that has been vapor deposited on a masonry wall is structurally different than, e.g., a foil is applied to it, both physically and in its manner of attachment. Furthermore, new claims 20 and 21 add the

features of the above quoted paragraph relating to the subdivision of the space between the walls into air chambers by vertical bars. These features possess the advantages noted in paragraph [0025] of the published specification (paragraph spanning pages 12 and 13 of the application as filed) that:

As due to the almost complete retention of the thermal radiation energy from inside in combination with the stationary air layer and due to the insulating co-effect of the exterior shell there is a considerable improvement of the insulation capacity of this layer construction, *it is possible to completely refrain from utilizing insulating layers 4* in the constructions of FIGS. 2, 4, 6 and 7. **This results--in addition to a reduction in wall thickness**, that involves a considerable gain in habitable and usable space--in **considerable savings of construction costs** in an amount of the insulating materials saved (at present about EURO 13.--to EURO 30.--per m.sup.2 wall surface). This cost saving clearly offsets the higher costs for a reflecting coating on the inner side of the front brickwork 2. It is to be noted that the air layer between the interior shell and the exterior shell of the wall construction may be provided stationary, **because in this wall construction no insulating material** is built in and therefore **there is no need to vent and dry an insulating material**.

Other advantages of the claimed construction are described in detail the subsequent paragraphs.

Claim 17 has been amended to specify that the reflective layer of the constructional element of the invention is a metal, and new claim 19, like claim 13, specifies that the reflective layer is aluminum or an aluminum alloy. As noted in paragraph [0037] of the published specification (second full paragraph of page 9 of the application as filed) the use of such a metal layer in conventional construction "is impossible already due to constructional problems but also for the reason that such materials would be highly undesirable diffusion barriers." On the other hand, the advantages of such a metal layer are described, e.g., in paragraph [0042] of the published specification (first full paragraph page 10 of the application as filed).

While not binding on the present Examiner, it is noted that claims corresponding to those now presented in this application have been found to be patentable over the same prior art (Saal and Glassgroup) as applied in this application in both the counterpart German and European patent applications, a copy of the German Patent being submitted herewith (issuance of the European patent is awaited).

Considering first the Glassgroup patent application, which was applied only with respect to claims 9 and 16, inasmuch as this reference was not considered to be applicable to claims 11 and 14 which have been incorporated into amended claim 9, has a wall 7 made of glass, not inner and outer walls of masonry as in amended claims 9 and 16, and does not use a reflective metal layer (Glassgroup teaches the use of oxides of indium or tin doped with antimony, arsenic, cadmium, chlorine, fluorine and/or Tellurium; see, first paragraph page 2), it should be clear that this reference is no longer applicable to the claims as now presented so that the rejection based thereon should now be withdrawn.

As for the Saalfeld reference, the space between the facing surfaces of the inner and outer walls contains insulating material (layers 2, 2' and 5, 5') and the aluminum foil layer is applied to the insulation 5 on the outer wall 6, and there is no teaching or suggestion to either eliminate Saalfeld's insulation layers or to apply the foil to the masonry wall instead of to the insulation. Thus, Saalfeld's wall construction would of necessity be thicker than that required by the present invention and his use of insulation materials not only indicates a lack of recognition of the possibility of producing a wall in accordance with the present invention. Furthermore, the provision of the layers of insulation material pose the problem of moisture accumulating in them, e.g., in winter, a fact evidently recognized by Saalfeld as indicated by his provision of a means for ventilating his air space 3, 3' (see, claims 3-5) and the use of the foil layer as a vapor barrier. Thus, Saalfeld teaches a construction that is structurally different from that of the present invention and does not achieve the advantages associated with the present invention.

In view of the foregoing, reconsideration and withdrawal of the outstanding rejections based on either Saalfeld or Glassgroup are in order and are hereby requested.

The reference that has been cited but not applied by the Examiner has been taken into consideration. However, since this reference was not found to be relevant enough by the Examiner to apply against the original claims, no detailed comments thereon are believed to be warranted at this time.

Therefore, in the absence of new and more relevant prior art being discovered, this application should now be in condition for allowance and action to that effect is requested. However, while it is believed that this application should now be in condition for allowance,

in the event that any issues should remain, or any new issues arise, after consideration of this response which could be addressed through discussions with the undersigned, then the Examiner is requested to contact the undersigned by telephone for the purpose of resolving any such issue and thereby facilitating prompt approval of this application.

Respectfully submitted,

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